

REMARKS

Pending Claims

Claims 1, 3, 4 and 6 are pending. Claims 1 and 4 have been amended. No new matter has been added.

Claim for Priority

Applicants respectfully request that the Examiner officially acknowledges the claim for priority of Japanese application No. 2003-421519, and the safe receipt of the certified priority document. Applicants note that the certified priority document filed February 10, 2006 is part of the image file wrapper according to PAIR .

Interview Summary

Applicants extend their appreciation to the Examiner for granting a telephone interview on April 7, 2010 which was conducted with Gene Stockman and Jamie Nguyen . During the interview, the Kanda and Kleineisel references were discussed as applied to the rejection of independent claims 1 and 4. In particular, the configuration of the spindle being fixedly mounted to the lower travel structure, and the body having first opposed sidewall portions and second sidewall portions such that the first opposed sidewall portions have thicker wall portions than the second wall portions was discussed. Accordingly, claims 1 and 4 should be patentable over the art of record as amended.

Claim Rejections Under 35 U.S.C. §112

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention.

Applicants have deleted the phrase “the other sidewalls thereof” from claims 1 and 4, thus rendering the rejection moot. Accordingly, the rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kanda et al, U.S. Patent No. 6,266,901, in view of Kleineisel, German 197 32 868.

Applicants have amended claims 1 and 4 for purposes of clarification. According to claim 1, the swivel joint has a body rotating together with the upper swing structure, and a spindle mounted to the lower travel structure and rotatably inserted in the body, such that the spindle is fixedly mounted to the lower travel structure when the body rotates together with the upper swing structure. Further, the body has first opposed sidewall portions positioned in opposed relationship to each other and second sidewall portions positioned between the first opposed sidewall portions, the first opposed sidewall portions having wall portions respectively thicker than the second sidewall portions and formed to extend axially from an upper end surface of the body. Additionally, the thicker wall portions are formed with a plurality of axial passages communicating with the plurality of circumferential grooves in a row respectively within the thicker wall portions, the plurality of axial passages being open at the upper end surface of the body to provide a plurality of ports, and the plurality of first tubes are connected to the plurality of ports whereby the plurality of first tubes are connected to the upper end surface of the body in concentrated layout. Claim 4 has been amended to

include subject matter similar to claim 1. Applicants submit that the amendments are supported, for example, by Figs. 1 and 3 of the present application.

On the other hand, Kanda discloses a work machine having a two-stage swivel joint 110 including a traveling base 10, a first swiveling base 20 and a second swiveling base 30. *See* column 11, lines 1-4 of the reference. The two-stage swivel joint 110 has a cylindrical shaft 111, an upper rotor 112 and a lower rotor 113. In Kanda, the lower rotor 113 is attached to the lower travel unit 10. Further, the upper rotor 112 is attached to the central swiveling unit 20 and the cylindrical shaft 111 is attached to the upper swiveling unit 30 as shown in Figs. 2 and 3. However, the swivel joint of Kanda does not include a spindle being fixedly mounted to a lower travel structure when a body rotates together with an upper swing structure. Further, Kanda fails to teach or suggest a body having first opposed sidewall portions positioned in opposed relationship to each other and second sidewall portions positioned between the first opposed sidewall portions, the first opposed sidewall portions having wall portions respectively thicker than the second sidewall portions and formed to extend axially from an upper end surface of the body, as set forth in claims 1 and 4.

Reliance upon Kleineisel fails to overcome the deficiencies noted above in Kanda. Kleineisel. Kleineisel is relied upon in the Office Action for disclosing a swivel joint, wherein a body of the swivel joint includes thicker wall portions in the upper and intermediate portions of body as compared to the lower portion of the body. However, the body 4 having thicker wall portions as shown in Kleineisel does not correspond with the presently claimed first opposed sidewall portions and second sidewall portions, where the first opposed sidewall portions have wall portions respectively thicker than the second sidewall portions and formed to extend axially from an upper end surface of the body, as set forth in the pending claims.

Accordingly, the claimed swivel joint and construction machine having a swivel joint of the present application differs from the combination of Kanda and Kleineisel, and therefore the rejection of claims 1 and 4 under 35 U.S.C. §103(a) should be withdrawn. Further, claims 3 and 6 are also patentable over the art of record for at least being dependent upon a base claim asserted to be allowable for the foregoing reasons.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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